

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM FAMBRO

Plaintiff,

v.

DECARLO BLACKWELL, *et al.*,

Defendant.

Case No. 2:22-cv-1826

Judge James L. Graham

Magistrate Judge Caroline H. Gentry

ORDER

This matter is before the Court for consideration of the June 9, 2022, Report and Recommendation of Magistrate Judge Gentry to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 6.) Having performed an initial screen of Plaintiff’s Complaint (ECF No. 5) pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e)(2), Magistrate Judge Gentry recommended that the Court dismiss Plaintiff’s Complaint in its entirety for failure to state a claim on which relief can be granted. (*Id.* at 55.) Magistrate Judge Gentry also recommended that the Court deny Plaintiff’s motion for appointment of counsel (ECF No. 2) as moot. (*Id.*) Magistrate Judge Gentry further recommended that should the Court adopt her recommendation, that the Court find that any appeal by Plaintiff would not be taken in good faith, and that Plaintiff may not proceed on appeal *in forma pauperis*. (*Id.*)

The Report and Recommendation specifically advised the parties that failure to object to the Report and Recommendation within fourteen (14) days “will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation.” (*Id.* at 55–56.) The deadline for filing objections to the Report and Recommendation has since expired, and no party has objected to the Report and Recommendation.

The Court agrees with Magistrate Judge Gentry's Report and Recommendation (ECF No. 6), and it is hereby **ADOPTED**. Plaintiff's Complaint (ECF No. 5) is therefore **DISMISSED** in its entirety for failure to state a claim on which relief can be granted. Accordingly, Plaintiff's motion for appointment of counsel (ECF No. 2) is **DENIED** as **MOOT**.

For the foregoing reasons, the Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal from this Order adopting the Report and Recommendation would not be taken in good faith, and the Court denies Plaintiff leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

/s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: July 5, 2022